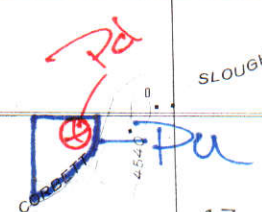


ce of use, section



NOV 20 1991

Max D. White  
(Applicant)

(Applicant)

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SEP 6 1991

Department of Water Resources  
Eastern District Office

DEPARTMENT OF WATER RESOURCES  
150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

27-07545

WATERS, Max D.  
WATERS, Anna E.  
375 N., 100 E.  
Blackfoot, Idaho 83221  
Source: GROUNDWATER  
Diversion Pt: NWNW, Sec. 17, T. 02S, R.  
36E.  
Use: IRRIGATION (.160 CFS).  
Total Diversion: (.160 CFS).  
Date Filed: 7/22/1991.  
In: T02S, R36E, S17, NWNW.  
8.0 ACRES TOTAL.

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before SEPTEMBER 2, 1991.

R. KEITH HIGGINSON  
Director

(1243)  
Pub. 8/15/91

MICROFILMED

NOV 20 1991

## AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, Maqueline Graham  
solemnly

swear that I am the Legal Coordinator of The Morning News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue or said

newspaper 2 consecutive Weeks

the first publication having been made on the 15th day of August, 1991;

and the last publication having been made on the 16th day of August, 1991; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in supplement.

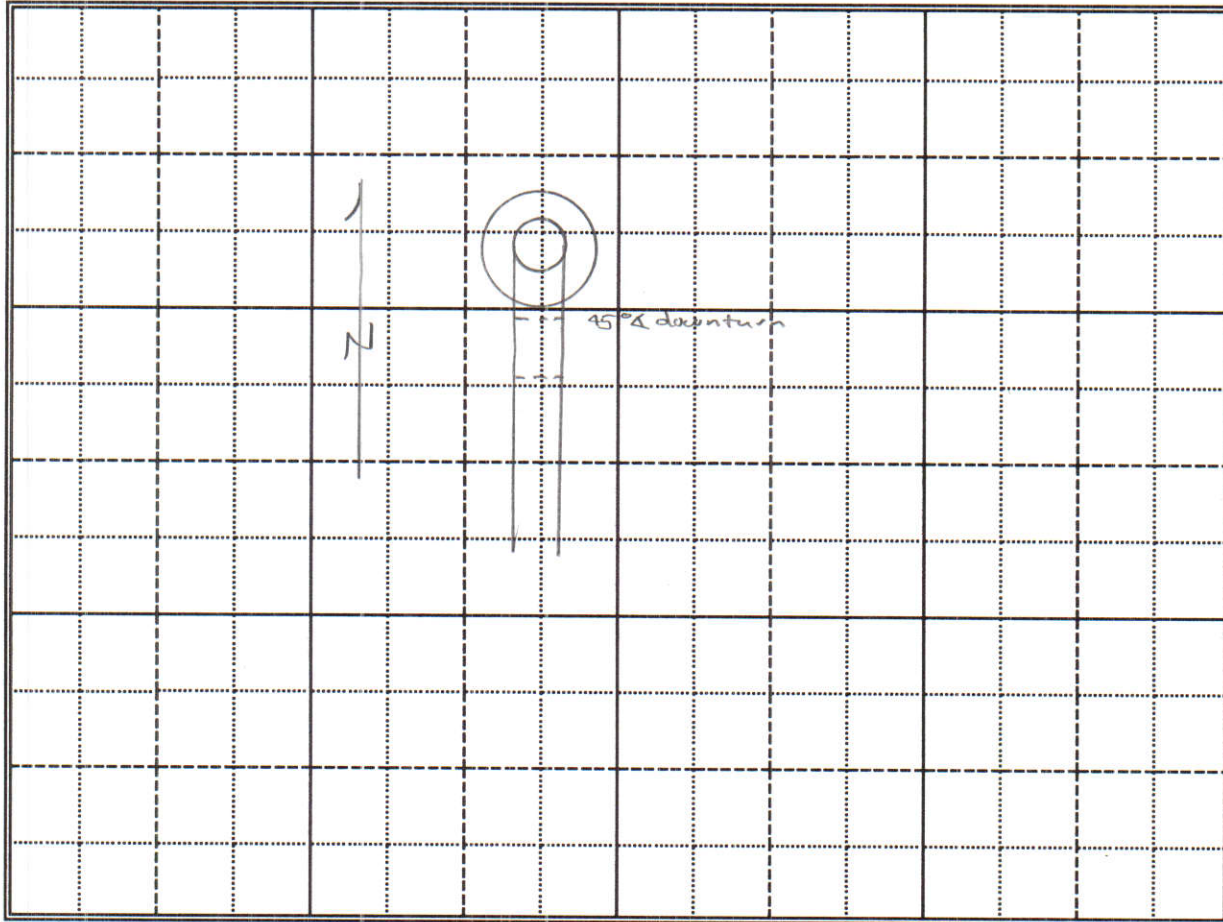
On the 15th day of August, in the year 1991, before me a Notary Public of said State, personally appeared

Maqueline Graham  
known to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Ray R. Taylor  
Notary Public for the State of Idaho,  
Residing at Blackfoot, Idaho  
My commission expires  
November 10, 1994

Affidavit Processing fee..... \$5.00

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| well                                  | UNK        | 5  |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type  | Make | Model No. | Serial No.        | Size   | Calib. Date |
|-----------------------|-------|------|-----------|-------------------|--------|-------------|
| Flow Meter            | SONIC | FUJI | FLC S1011 | 7K00897B<br>24633 | FLD 12 |             |
|                       |       |      |           |                   |        |             |

2. Measurements: 30 psi @ Pump 30 5/32" nozzle sprinklers

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OCT 02 2001





7 8  
18 17

T 2 S  
R 36 E

SEC 17

27-07545

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OCT 01 2001

Corbett Slough

POINT OF  
DIVERSION

PLACE OF USE



Well with mainline  
to hand lines w/sprinklers

27-07545

MICROFILM  
OCT 02 2001

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 27-07545

Priority: July 29, 1991

Maximum Diversion Rate: 0.12 CFS  
Maximum Diversion Volume: 24.0 AF

It is hereby certified that ANNA E WATERS Or  
MAX D WATERS  
375 N 100 E  
BLACKFOOT ID 83221 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated July 29, 1991; and has  
submitted Proof of Beneficial Use on September 7, 1993. An examination indicates that the works  
have a diversion capacity of 0.29 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.12 CFS              | 24.0 AF                            |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 17, Twp 02S, Rge 36E, B.M. BINGHAM County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |     |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02S 36E 17  |    |    |    |    |    |    | 6.0 |    |    |    |    |    |    |    |    |    | 6.0    |

Total Acres: 6

**CONDITIONS OF APPROVAL**

1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 28<sup>TH</sup> day of SEPTEMBER, 2001.

MICHAEL L. DREHER

Acting for

KARL J. DREHER  
Director

RECEIVED

JEP 07 1993

Department of Water Resources

RECEIVED

AUG 25 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 9-8-93

Receipt No. C028519

Receipt by gw

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 27-07545 Telephone No. 785 2491

2. Name(s) of Permit Holder(s): Max D Waters

3. Mailing Address: 375 N 100 E Blackfoot, Id 83221

4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: Barrus Date Drilled: 8/28/91

OPTIONAL:

Pump horsepower: 15hp Pressure (psi): 30 Dynamic pumping level (ft.): static 40'  
drawdown 45'

5. Extent of Use (as authorized by the permit):

Domestic 1 (No. of households) Stockwater \_\_\_\_\_ (No. and type of stock)

Irrigation 6 (No. of acres) Other \_\_\_\_\_

6. Total rate and/or volume for which proof is submitted 2.16 cfs OR \_\_\_\_\_ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? \_\_\_\_ Yes \_\_\_\_ No Installed? \_\_\_\_ Yes \_\_\_\_ No

OR

Flow Measurement Port: Required? \_\_\_\_ Yes \_\_\_\_ No Installed? \_\_\_\_ Yes \_\_\_\_ No

8. Fee Enclosed: \$ \_\_\_\_\_ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Max D Waters 785 2491  
Name Telephone No.

375 N 100 E Blackfoot, Id 83221  
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

8/24/93  
Date

Max D Waters  
Signature (and title, if on behalf of a company or organization)

OCT 18 1993

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 27-07545

Proposed Priority: July 29, 1991 Maximum Diversion Rate: 0.16 CFS  
This is to certify, that ANNA E WATERS

MAX D WATERS  
375 N 100 E  
BLACKFOOT ID 83221

has applied for a permit to appropriate water from: GROUNDWATER  
and a permit is APPROVED for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 04/01 to 11/01       | 0.16 CFS                 |

LOCATION OF POINT(S) OF DIVERSION: NWNW Sec. 17, Township 02S, Range 36E  
BINGHAM County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 02S        | 36E        | 17         | NWNW         | 8            |              | 8            |

Total number of acres irrigated: 8

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

NOV 20 1991

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 27-07545

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this

8<sup>th</sup> day of November, 1991.

*R. Keith Higginson*  
for R. Keith Higginson, Director

RECORDED

NOV 20 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Max L. or Anna E. Waters Phone 785-2491  
Post office address 3754 N.E. Blackfoot Rd 83221
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 17 Township 3S Range 36E B.M. Kingsland County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount .16 for Irrigation purposes from 1 April to 1 Nov (both dates inclusive)  
(cfs or ~~acre-feet per~~ annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .16 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. Well and pump with discharge  
to a sprinkler.  
\_\_\_\_\_  
\_\_\_\_\_  
b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.  
c. ~~Proposed~~ <sup>Existing</sup> well diameter is 12" inches; ~~proposed~~ <sup>Existing</sup> depth of well is 150' feet.  
d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
2 years (minimum 1 year).

NOV 20 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock: \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 2S  | 36E   | 17   |     |     |     |     | 8   |     |     |     |     |     |     |     |     |     |     |     | 8      |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 8

10. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

NONE

11. a. Who owns the property at the point of diversion? Applicant

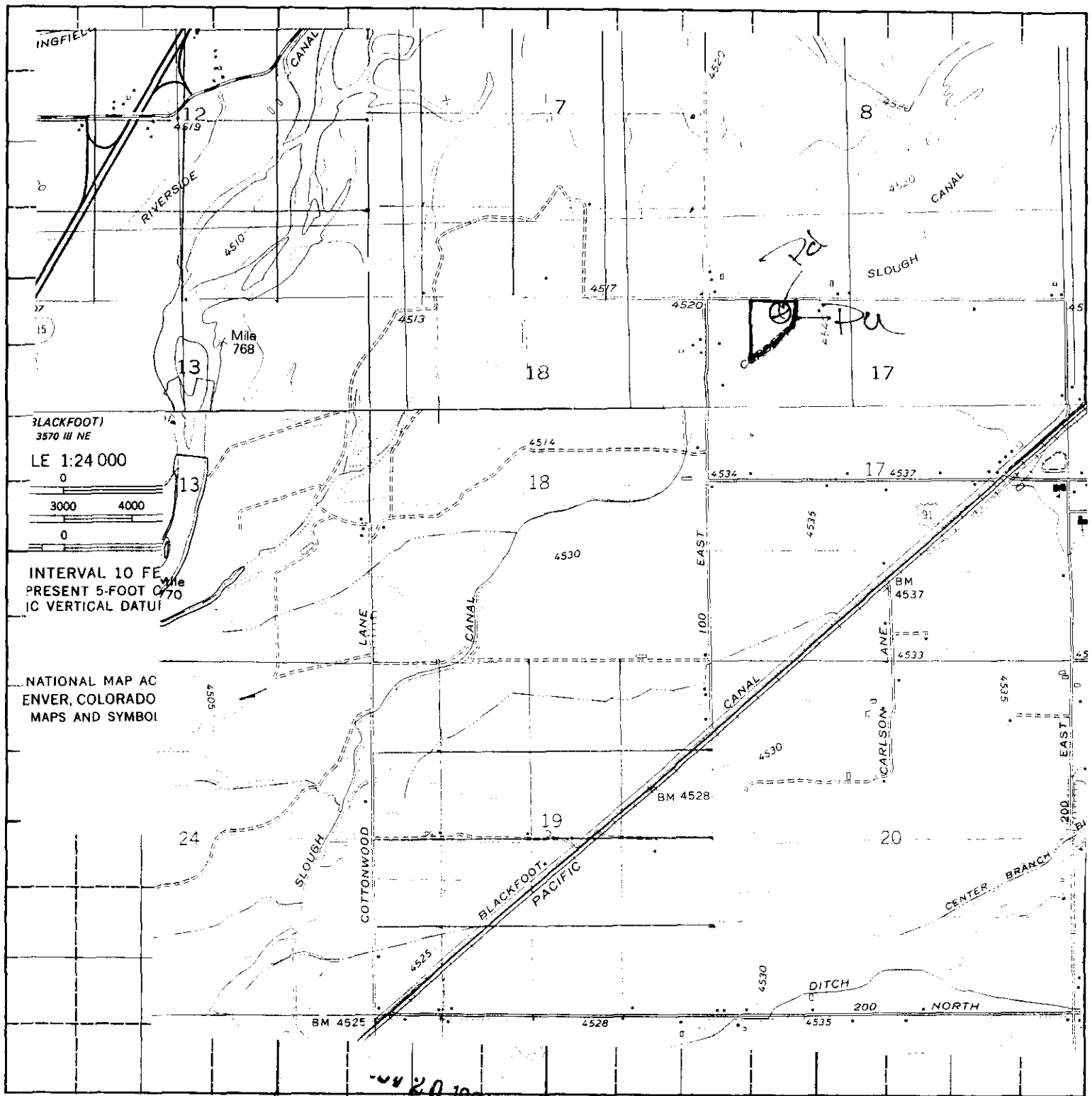
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: \_\_\_\_\_

**RECORDED**  
 NOV 20 1991

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

Received by DMD Date 29 July 91 Time 10:17 A Preliminary check by \_\_\_\_\_  
Fee \$ 30.00 Received by DMD # FO16378 Date 29 July 91  
Publication prepared by RB Date 8-15-91 Published in Morning News  
Publication approved AW Date 9-19-91

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19 \_\_\_\_.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

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SEP 6 1991

Department of Water Resources  
Eastern District Office

DEPARTMENT OF WATER RESOURCES  
150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

27-07545

WATERS, Max D.  
WATERS, Anna E.  
375 N., 100 E.  
Blackfoot, Idaho 83221  
Source: GROUNDWATER  
Diversion Pt: NWNW, Sec. 17, T. 02S, R.  
36E.  
Use: IRRIGATION (.160 CFS).  
Total Diversion: (.160 CFS).  
Date Filed: 7/22/1991.  
In: T02S, R36E, S17, NWNW.  
8.0 ACRES TOTAL.

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before SEPTEMBER 2, 1991.

R. KEITH HARRISON

## AFFIDAVIT of PUBLICATION

County of Bingham )

State of Idaho ) ss

I, Reguiline Graham do  
solemnly

swear that I am the Legal Coordinator of The Morning News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1913, approved March 11, 1913, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue or said

newspaper 2 consecutive Weeks

the first publication having been made on the 15th day of August, 1991;

and the last publication having been made on the 16th day of August, 1991;

that said notice was published in the regular and entire issue of every number of the paper in aforesaid during the period and time of publication; and that said notice was published in accordance with the provisions of Chapter 154 of the Sessions Laws of Idaho of 1913, approved March 11, 1913, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week;

I, Reguiline Graham, being duly sworn, depose and say that the statements herein are true, and acknowledge to me that he executed the same.

Reguiline Graham  
Notary Public for the State of Idaho.

Residing at Blackfoot, Idaho

My commission expires

November 30, 1994

Affidavit Processing Fee..... \$5.00

RECORDED

NOV 20 1991



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 1, 2001

MAX D WATERS  
ANNA E WATERS  
375 N 100 E  
BLACKFOOT ID 83221

RE: License No. 27-7545 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

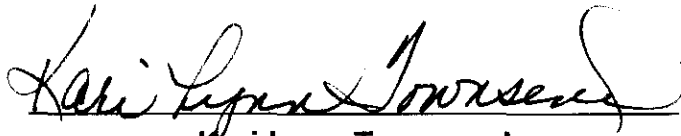
100-100-1000  
100-100-1000

## **CERTIFICATE OF MAILING**

I hereby certify that on October 1, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

**RE: WATER RIGHT NO.    27-7545**

**MAX D WATERS  
ANNA E WATERS  
375 N 100 E  
BLACKFOOT ID 83221**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend  
Secretary**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

**CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

### **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

100-10 MEL  
100-10  
100-10

## **Comment Report**

**27-7545**

1. skeen 9/28/2001 License Review

Comment: Licensing review by S. Keen on 9/28/2001. Blackfoot Irrigation District does not overlap the place of use. Decreed domestic right 27-11126 may be a point of diversion overlap, but we could not confirm it with the records available.

MAR 1 - 2000

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

## A. GENERAL INFORMATION

Permit No. 27-07545

1. Owner: Max D. Fungt, Jr. Phone No. 735-2401

Current Address: 275 N 100 E ab. 1000 200

2. Accompanied by: Max Waters EXAM DATE: 2-20-2023

Address: \_\_\_\_\_ Phone No. \_\_\_\_\_

Relationship to Permit Holder: \_\_\_\_\_

3. Source: *Journal of* tributary to

## B. OVERLAP REVIEW

1. Other water rights with the same place of use: \_\_\_\_\_

2. Other water rights with the same point of diversion:

### C. DIVERSION AND DELIVERY SYSTEM

**1. Point(s) of Diversion:**

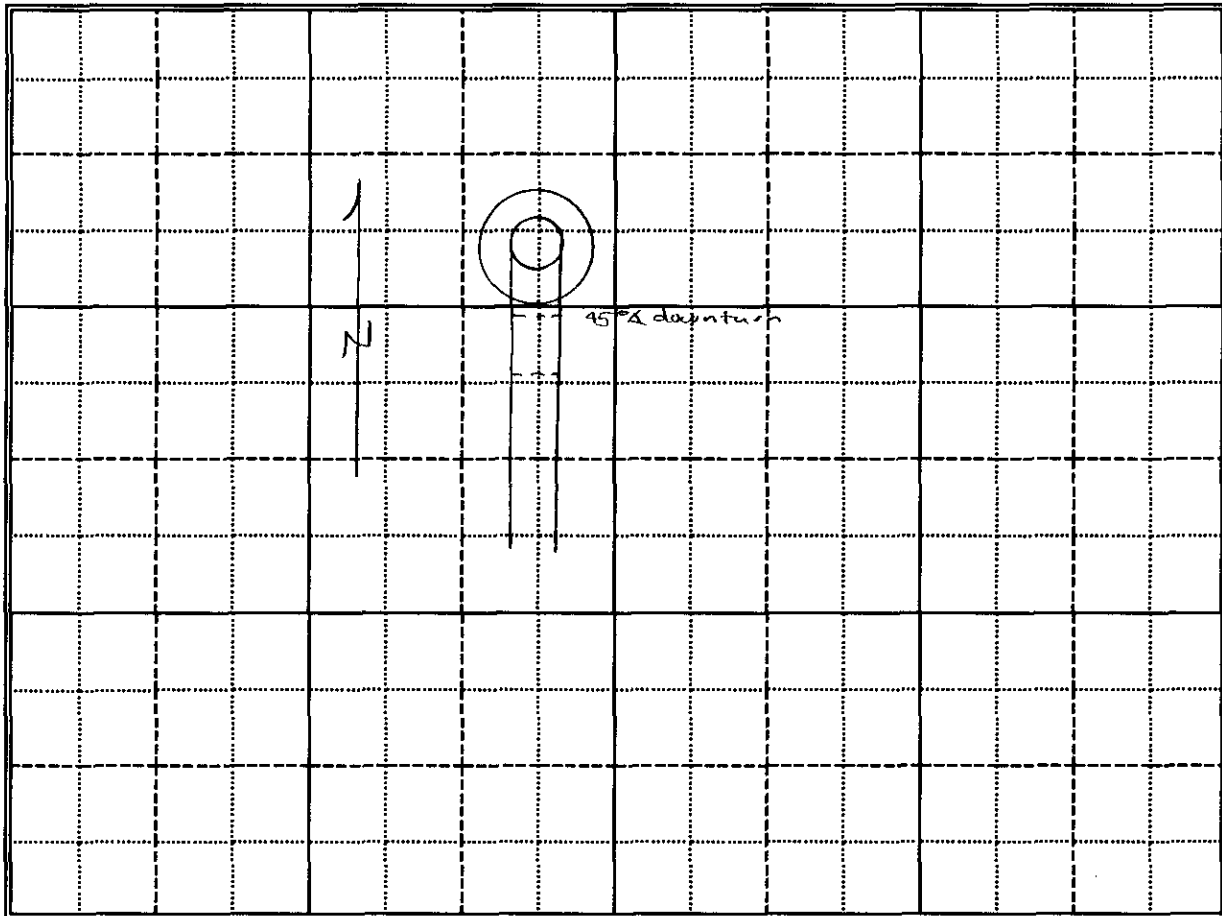
[illegible]

**2. Place(s) of Use:**

Indicate Method of Determination *FSA Ornel*

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = \_\_\_\_\_

\_\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_\_ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| well                                  | UDK        | 5  |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type  | Make | Model No. | Serial No.        | Size   | Calib. Date |
|-----------------------|-------|------|-----------|-------------------|--------|-------------|
| Flow Meter            | Sonic | Fuji | FLC S1011 | 7K00897B<br>24033 | FLD 12 |             |
|                       |       |      |           |                   |        |             |

2. Measurements: 30 psi @ Pump 30 5/32" nozzle sprinklers

ld01

**LOG NAME: 27-07545 WATERS**

START: 08-30-1999 14:40  
END: 08-30-1999 14:45  
INTERVAL: 00:01:00

**08-30-1999 14:40:00**

+1.512E+0 ft/s  
+1.288E+2 gal/m  
+2.870E-1 ft<sup>3</sup>/s  
+TOTAL 0000000 gal  
-TOTAL 0000000 gal  
NORMAL

**08-30-1999 14:41:00**

+1.466E+0 ft/s  
+1.249E+2 gal/m  
+2.783E-1 ft<sup>3</sup>/s  
+TOTAL 0000125 gal  
-TOTAL 0000000 gal  
NORMAL

**08-30-1999 14:42:00**

+1.314E+0 ft/s  
+1.120E+2 gal/m  
+2.496E-1 ft<sup>3</sup>/s  
+TOTAL 0000246 gal  
-TOTAL 0000000 gal  
NORMAL

**08-30-1999 14:43:00**

+1.234E+0 ft/s  
+1.052E+2 gal/m  
+2.344E-1 ft<sup>3</sup>/s  
+TOTAL 0000354 gal  
-TOTAL 0000000 gal  
NORMAL

**08-30-1999 14:44:00**

+1.227E+0 ft/s  
+1.046E+2 gal/m  
+2.330E-1 ft<sup>3</sup>/s  
+TOTAL 0000460 gal  
-TOTAL 0000000 gal  
NORMAL

**08-30-1999 14:45:00**

+1.202E+0 ft/s  
+1.024E+2 gal/m  
+2.283E-1 ft<sup>3</sup>/s  
+TOTAL 0000563 gal  
-TOTAL 0000000 gal  
NORMAL

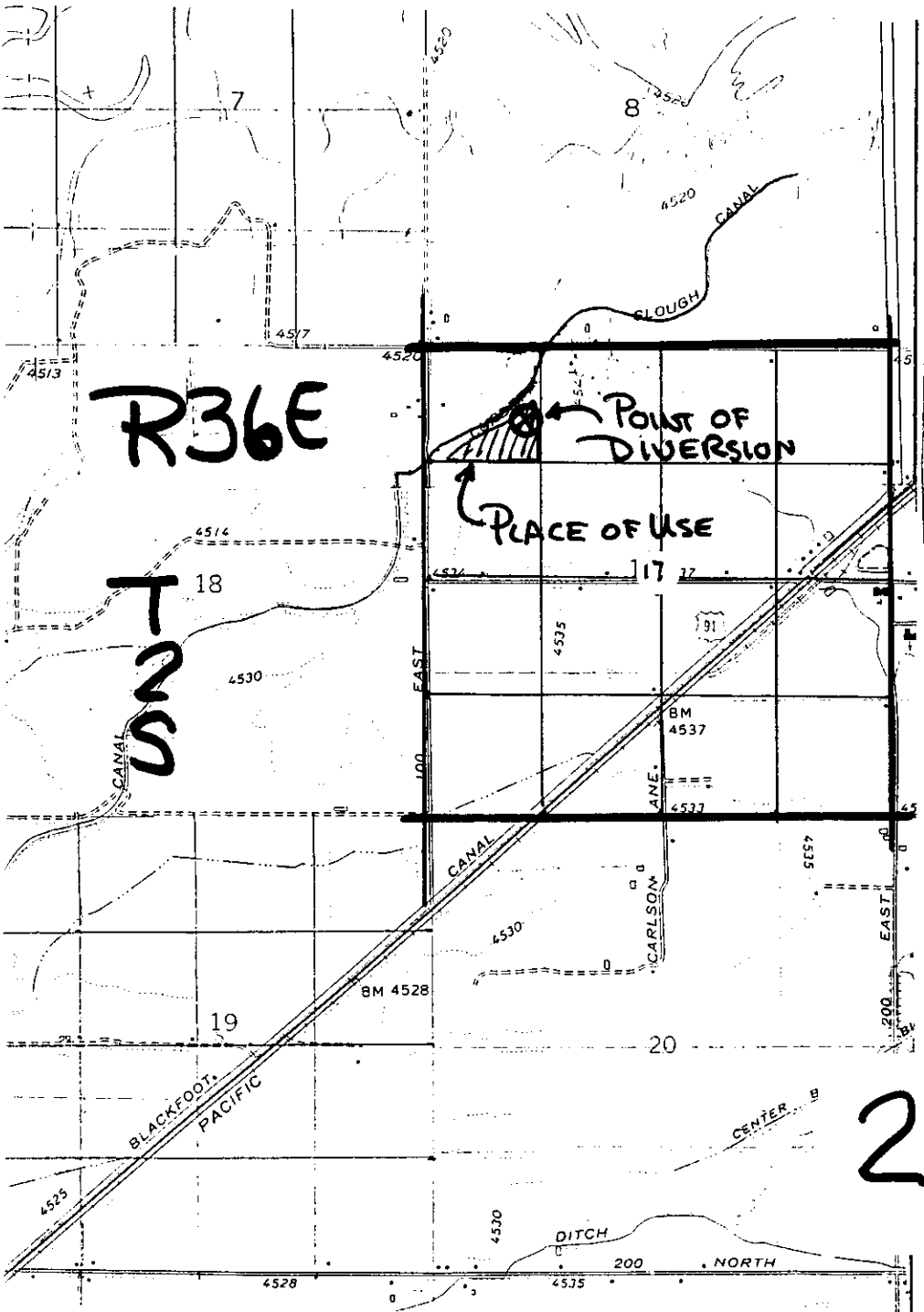
**Maximum Flow Rate:**

**Q = 128.8 gpm = 0.29 cfs**

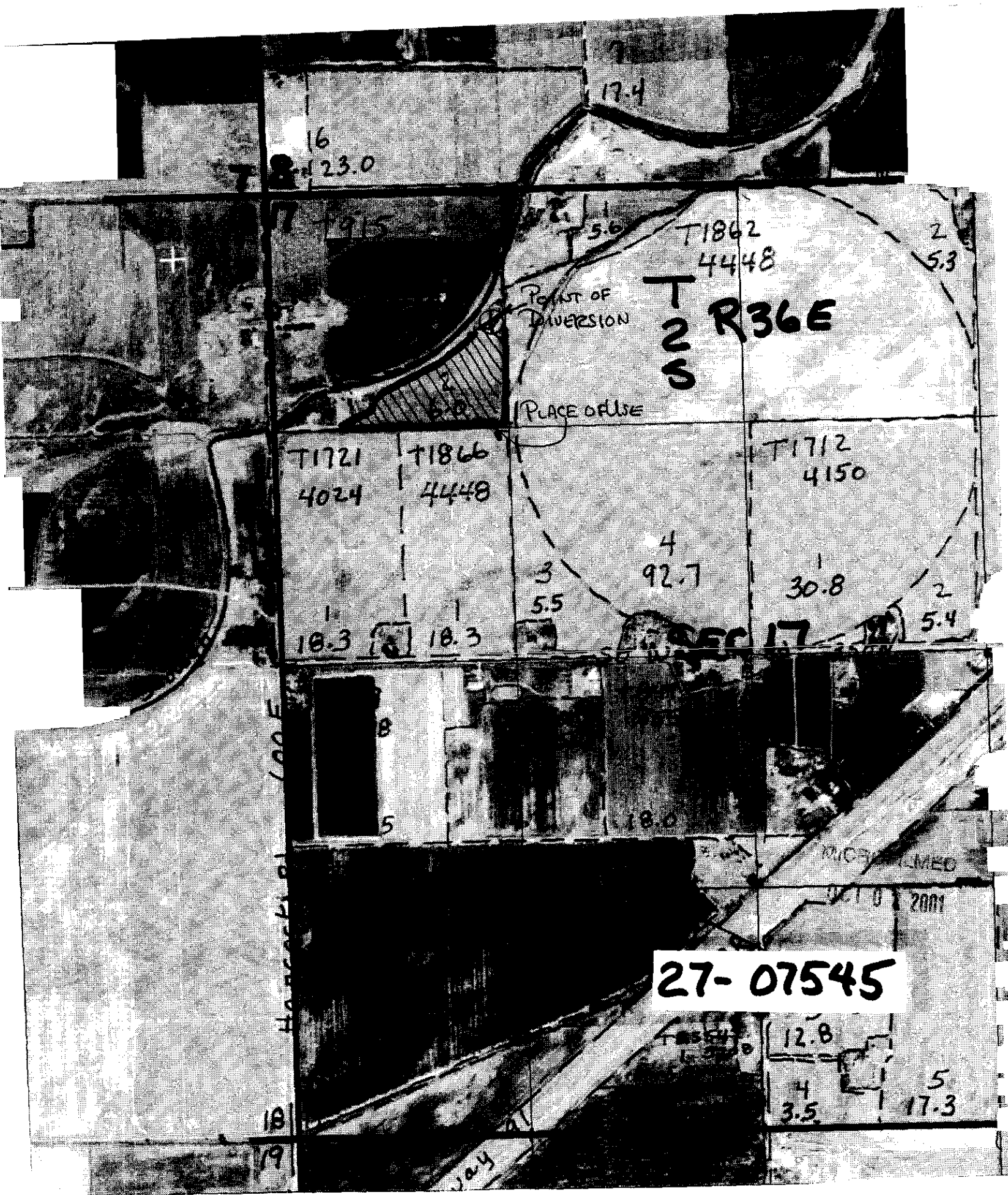
**Average Flow Rate:**

**Q = 112.6 gpm = 0.25 cfs**

**27-07545**



27-07545



27-07545



Well with manline  
to hand lines w/sprinklers

27-07545

**E. NARRATIVE/REMARKS/COMMENTS**

Well with domestic pump & irrigation pump in the same well

30 sprinklers operating @ time of event

Have conditions of permit approval been met? ☒ yes ☐ no

DATE: 11/11/2011  
BY: [Signature]  
TITLE: [Signature]

**F. FLOW CALCULATIONS**

\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

 $Q = 0.25 \text{ cfs}$  $Q_{LIMITED} \text{ TO } 0.02 \text{ cfs} = 0.12 \text{ cfs}$ **G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (600 \times 4) = 24$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.12(214)1.9835 = 50.9 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 24.0 \text{ afa}$$

## 2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| IRRIGATION     | 4/1           | 11/1  | 0.12 cfs                     | 24.0 afa                 |
| _____          | _____         | _____ | _____                        | _____                    |
| _____          | _____         | _____ | _____                        | _____                    |
| _____          | _____         | _____ | _____                        | _____                    |
| _____          | _____         | _____ | _____                        | _____                    |
| Totals:        |               |       | 0.12 cfs                     | 24.0 afa                 |

## 2. Recommended Amendments

\_\_\_\_ Change P.D. as reflected above

\_\_\_\_ Add P.D. as reflected above

\_\_\_\_ ☒ None

\_\_\_\_ Change P.U. as reflected above

\_\_\_\_ Add P.U. as reflected above

\_\_\_\_ Other

**I. AUTHENTICATION**

Field Examiner's Name

KETH C. WILSON

Date

8-30-1997

Reviewer \_\_\_\_\_

Date \_\_\_\_\_

SEAL

MICROFILMED  
SEP 11 2001

September 10, 1993

ANNA E WATERS  
MAX D WATERS  
375 N 100 E  
BLACKFOOT ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-07545

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

c: IDWR - Region

RECEIVED

OCT 18 1993

**ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE**

Permit No. 27-07545 Reviewed by Klg Date 8/26/93

**GENERAL CONSIDERATIONS**

yes Name same as permit?  
yes Address same as permit?  
yes Proof timely received?  
If not, complete calculation below.

**TYPES OF USE**

irrigate - b  
  
Correct Uses? yes

**SOURCE OF WATER**

       Surface water source  
✓ Ground water source

yes Drilling permit required?  
yes Copy in the file? Drilling Permit No. 27-91-E-0037-000  
200 Amount paid for permit yes Correct?  
yes Well log in the file?

**LICENSE EXAMINATION FEE**

yes Required?  
50 Amount Submitted  
yes Correct?

**MEASURING DEVICE**

NA Required?  
/ Installed?  
/ Waiver requested?

**PRIORITY CALCULATION**

|                     |           |   |
|---------------------|-----------|---|
| Date proof received | <u>NA</u> |   |
| Date proof due      | <u>/</u>  | - |
| No. of days late    | <u>/</u>  | = |
| Priority Date       | <u>/</u>  | + |
| New Priority Date   |           |   |

**DEFICIENCIES OR ACTION ITEMS**

needs OK fee

proof acceptable

**DATA ENTRY**

New Address \_\_\_\_\_

Proof Made \_\_\_\_\_

9/7/93  
9/10/93 Klg

RECEIVED  
SEP 07 1950  
Department of Water Resources

9/2/53

Dear Frank:

Concerning my Water Right Permit  
No. 27-507545 and Existing Permit  
27-91-E-227

Received your letter listing  
problems and am enclosing a  
check for the amount you indicate.

\$50 License Exp. Fee

200 Non Domestic Drillers Permit  
\$250

- 35 for fee previously paid.  
\$215

Also please enclosed a copy  
of the Utah Drillers Log from  
my Permit. To appropriate water  
for irrigation. There are 16  
is used both for domestic  
and irrigation.

Sincerely,  
Walter Tate

OCT 18 1993

## WELL DRILLER'S REPORT

**State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.**

RECEIVED  
SEP 07 1993  
FBI  
TYPEWRITER OR  
BALLPOINT PEN

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

August 26, 1993

Max D Waters  
375 N 100 E  
Blackfoot, ID 83221

Re: Water Right Permit No. 27-07545 and Drilling Permit 27-91-E-037

Dear Mr. Waters:

Returned is the proof of beneficial use submitted in connection with the above referenced permit. Several problems exist with this water right that need to be corrected.

First of all, you indicate the total rate of diversion to be 0.16 cfs. When the total rate of diversion is greater than 0.04 cfs, a license examination fee applies. The license examination fee for a diversion rate of 0.16 cfs is \$50. Therefore, you will need to resubmit the proof of beneficial use along with the \$50 fee. I have enclosed a fee schedule for your convenience.

Secondly, your drilling permit was issued for domestic use only. You were accordingly charged \$35 for the drilling permit fee. However, since you use the well for irrigation purposes, it can no longer be considered a domestic drilling permit. In order to be in compliance with the drilling requirements, you must upgrade your drilling permit from a domestic permit to a nondomestic drilling permit. The charge for a nondomestic drilling permit is \$200. Since you have already paid \$35, you need only submit an additional \$165 to upgrade the drilling permit. The \$165 additional fee will also need to accompany the proof of beneficial use.

Lastly, the Department has been unable to locate a well log which should have been submitted by your driller 30 days after the completion of the well. If you have a copy of the well log please supply the Department with a copy. If you do not, please contact your driller and ask that he submit a copy directly to me.

RECEIVED

OCT 18 1993

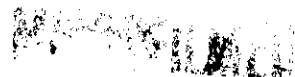
In order to be in compliance with the necessary dates, you will need to submit the original proof of beneficial use, \$50 license examination fee, the additional \$165 drilling permit fee, and a copy of the well log on or before October 1, 1993.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Gustafson". The signature is fluid and elegant, with the first name "Karen" and last name "Gustafson" clearly legible.

Karen L. Gustafson  
Secretary/Records Manager

A faint, rectangular stamp or seal, possibly a library or archival mark, located in the lower right quadrant of the page. The text within the stamp is mostly illegible due to fading.

OCT 13 1993

Drilling Permit No. 27-91-E-037  
Water Right Permit No. \_\_\_\_\_  
Injection Permit No. \_\_\_\_\_

State of Idaho  
Department of Water Resources

**APPLICATION FOR DRILLING PERMIT**

1. Applicant (please print) Max Waters

2. Mailing Address 375 N. 100 E.

City & State Blackfoot, ID Zip Code 83221 Telephone 785-2491

( ) Well Owner ( ) Well Operator ( ) Other, specify \_\_\_\_\_

3. Proposed well location NW 1/4 NW 1/4, or Gov't Lot No. \_\_\_\_\_

Sec. 17, Twp. 2S, Rge. 36E, County Bingham

Street Address of Well Site \_\_\_\_\_

Lot, block and subdivision \_\_\_\_\_

4. Proposed use of well:

☒ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

( ) Non-Domestic: Any beneficial use not included within the definition of domestic.

( ) Injection

( ) Monitoring - A well bore schematic and map is required for each well.

No. of proposed wells: \_\_\_\_\_

( ) Other \_\_\_\_\_  
(Describe)

5. Well construction information:

A. ☒ New well ( ) Deepen ( ) Enlarge ( ) Replace - See Condition 9

B. Proposed Surface Diameter 6" Proposed Maximum Depth 80'

C. Anticipated bottom hole temperature:

☒ 85°F or less (Cold water well)  
( ) 85°F to 212°F (Low temp. geothermal well)  
( ) 212° or more (Geothermal well)

OCT 18 1991

6. Construction Start Date August 1, 1991

7. Anticipated Well Driller Barnes Drilling

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Sam Barnes Date 8-1-91

Title Driller  
(Owner, Firm Representative, Other)

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 8/1/91

If approved, this permit authorizes the constuction or modification of a well subject to the following conditions. READ CAREFULLY!

### GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum distance of 50 feet and 100 feet respectively from a septic tank.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

### SPECIFIC CONDITIONS:

Ronald Carlson  
Signature of Authorized Department Representative

Regional Manager  
Title

Receipt No. E016396 Received by LK Fee \$35.00 Date 8/1/91

**RECORDED**  
OCT 18 1993

### EXTENSION OF DRILLING PERMIT

Extension approved by \_\_\_\_\_ Approval Date \_\_\_\_\_

This extension is good for 60 days beyond the above extension approval date.

July 31, 1993

ANNA E WATERS  
MAX D WATERS  
375 N 100 E  
BLACKFOOT ID 83221

PROOF DUE NOTICE

RE: PERMIT NO. 27-07545

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

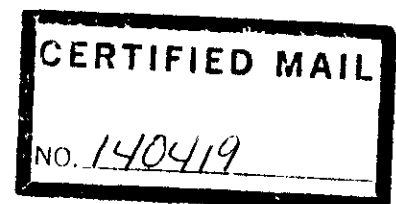
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures



MAILED

OCT 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

November 14, 1991

ANNA E WATERS  
MAX D WATERS  
375 N 100 E  
BLACKFOOT ID 83221

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 27-07545

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under Condition No. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

PAMELA SKAGGS  
Technical Records Specialist

PS:blm

Enclosure

RECEIVED  
NOV 15 1991

# APPLICATION FOR PERMIT REVIEW

Application #: 27-7545  
Date: 9-30-91

Reviewer: Pam Skaggs

## Existing:

☒ No - 26A-P17  
Complete in 1 year - P16

Yes

Proof not submitted - P16  
Proof submitted - N/A

## Groundwater:

☒ GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)  
☒ LT. 0.2 cfs - N/A

## Drilling Permit:

Approved w/permit - P99  
☒ Not included - 046-P23(All GW, even existing wells)

## Location:

☒ Water Districts - WD No. 27  
Surface water - 005, 005-01H-P01(LT.2 w/pump)  
005-01J-P08(GT.2)  
☒ Groundwater *existing* - P05  
Irrigation Districts - 023  
Canal Co. Areas - 023  
Drainage Districts - 024  
Boise Front (63) - 058 (Groundwater)  
☒ Swan Falls Flag - 1 (1, Blank or Other)  
Trust - 051-052-053-P74(Consumptive Uses)  
☒ Non Trust - 048-049

## River Basins:

(Surface Water) Water District Control Condition &....  
Boise (63) - 05A & 11E  
Payette (65) - 047-P04, 059-P71  
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

## Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),  
042(req.), 002-P06(MD), 07A(Spec.),  
044(Policy 5G)  
Power - Use Power Review  
Mining - 06A or 010, 09E-P10 & 054(req.)  
Storage - 18A-for multiple measuring devices(In WD),  
18B-P09(Size)  
Rec. & Aesthetic - 027(Non-Consumptive)  
Domestic - 021(restricted areas)

## Ownership:

Non land owner - 004

## Protested:

Agreement - 020

☒ Beneficial Use Due Date: - 10-01-1993  
Other Conditions Recommended

NOV 20 1991

Dist. for staffing: 29-Jul-1991  
Submitted for advertising: 7-30-91

Form No. 202a  
4/87

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATIONS FOR PERMIT ANALYSIS SHEET**

INITIAL REVIEW BY HWJ DATE 7-30-91  
APPLICANT NAME: MAX D. OR ANNA E. WATERS

APPLICATION NO. 277545

**REQUIRED INFORMATION**

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)  
☒ Address  
☒ Source (See USGS Quad for names of water sources)  
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)  
☒ County  
☒ Quantity (flow and/or volume)  
☒ Period of Use  
☒ Nature of proposed use (Include description of use.)  
☒ Description of diverting works  
☒ Time required for beneficial use of water  
☒ Place of use or acres irrigated  
☒ Map  
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)  
☒ Fee  
☒ Yes ☐ No\* In form to receipt

**ADDITIONAL INFORMATION**

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)  
☐ Overlapping point of diversion  
☐ Yes ☒ No Field check required  
☐ Yes ☒ No Field check by \_\_\_\_\_  
☐ Yes ☒ No Field report attached  
☐ Yes ☒ No Critical groundwater area  
☐ Yes ☒ No Groundwater management area  
☐ Yes ☒ No Send dam safety information  
☐ Yes ☒ No Send power requirement letter  
☐ Yes ☒ No Send fish farm requirement letter  
☐ Yes ☒ No Power residency affidavit  
☐ Yes ☒ No Power efficiency form  
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)  
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested \_\_\_\_\_

**RECEIVED**  
SEP 23 1991

Department of Water Resources



LOCAL PUBLIC INTEREST

Comments received from

|                    |                               |                           |
|--------------------|-------------------------------|---------------------------|
| _____ City         | _____ Idaho Fish & Game       | _____ Irrigation District |
| _____ County       | _____ Idaho Health & Welfare  | _____ Canal Company       |
| _____ Reservations | _____ Division of Environment | _____ Other _____         |

Project impacts/implications report

COMMENTS

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State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

12-Aug-1991

MAX D OR ANNA E WATERS  
375 N 100 E  
BLACKFOOT ID 83221

RE: Application No. 27-7545

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Morning News on August 15 & 22, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

*Harold W. Jones*  
HAROLD W. JONES <sup>rb</sup>  
Water Rights Supervisor

HWJ/rb

RECEIVED

NOV 20 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region  
150 Shoup Ave., Suite 15

---

Idaho Falls, Idaho 83402  
(208) 525-7161

AUGUST 7, 1991

THE MORNING NEWS  
P.O. BOX 70  
BLACKFOOT, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 2, 1991.

Yours truly,

Rita Bodell  
Secretary

Encl.

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The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 2, 1991.

R. Keith Higginson, Director

Published 8/15/1991 & 8/22/1991

SEP 20 1991